

REMARKS

Reconsideration and allowance of the captioned application in view of the foregoing amendments and the remarks that follow is respectfully requested. These comments are intended to advance the case to issue without delay. The claims in the application were 1-8 and 10. No claims are added or cancelled by this amendment. Accordingly, the claims in the application remains to be claims 1-8 and 10.

In paragraph 1 of the Office Action, the abstract is objected to for use of the terms "The invention is directed to" which the Examiner states should be deleted and "a protective" which the Examiner states should be changed to "A protective". Applicant has amended herein the abstract of the disclosure in accordance with the Examiner's suggestion and deleting the objected to language.

In paragraphs 2 and 3 of the Office Action the drawings are objected to under 37 CFR 1.83(a). More specifically, the drawings are objected to because it is said that they fail to show the cross section symbolic of plastic of the moulded sheath as set forth in the claims and the slit at the bottom of each side of the cap (claim 5).

Applicant provides proposed amended drawings (with amendments shown in red ink) showing the plastic sheath with cross-hatching symbolic of plastic of the moulded sheath. Applicant has only demonstrated the cross-hatching on Figures 1-3 and Figure 7 as Figures 4-6 illustrate the plastic sheath together with an inserted bottle and the workings illustrated in the figures will become less clear with the addition of cross-hatchings. Applicant will await approval by the Examiner of the drawings before submission of amended formal drawings.

With regard to the Examiner's objection to the failure of showing the 'slit' referred to in claim 5, Applicant respectfully submits that the slit is shown in the diagrams. The slit (29) is illustrated *inter alia* Figure 5 and referred to in the description at page 15, lines 4-9. Applicant respectfully request that this objection be withdrawn.

In paragraphs 4-5 of the Office Action, claim 5 is rejected under 35 USC §112, first paragraph as failing to comply with the enablement requirements.

It is respectfully submitted that the enablement objection to claim 5 is not justified. The projection lugs are able to reversible slot into slits at the bottom of the cap side in any manner. This would be clear to one skilled in the art to make and/or use the invention. Furthermore, a particular means of achieving the interaction is given in the specification at page 6, line 19 to page 7, line 13. Applicant respectfully submits that any requirement to have to further limit the scope of this claim would be unjust and request that this rejection be withdrawn.

In paragraphs 6-7 of the Office Action, claims 3-5 are rejected under 35 USC §112, second paragraph as being indefinite.

It is respectfully submitted that claims 3-5 add particular further features to the requirements of claim 1. These further features may be recitations of a feature of claim 1; however, this is not essential. This is clear from the wording of the claims and it is respectfully asserted that the claims do, therefore, particularly point out and distinctly claim the subject matter for which protection is sought. In some embodiments, the "frictional interactions" in claim 3 and the "internal projection" of claim 4 are recitations for "a means for releasably holding" in claim 1 and such embodiments are described in detail in the specification. Withdrawal of this rejection is respectfully requested.

In paragraph 8, claims 1-2, 8 and 10 are rejected under 35 USC §103(a) as being unpatentable over Beal (US 601,117). It is respectfully submitted that this rejection has been obviated by the above amendments and the arguments which follow.

Applicant has amended claims 1 and 10 to merely clarify that the bottle/jar protected by the sheath comprises a body and a cap at its top. Basis for this

amendment may be found in the specification *inter alia* at Figures 4 to 7 and page 14, line 10, where specific reference is made to the body (17) of the bottle (15).

An object of the present invention is to provide a means of direct protection from physical damage of a bottle or jar (see page 3, lines 25-26). In order to achieve this object, amended claims 1 and 10 require a "bottle or jar comprising a body and a cap at its top, both of which are held within the moulded plastic sheath when the moulded plastic sheath is in place." This feature is neither present in nor suggested by Beal. Beal illustrates a clip fitting the over the top of a bottle, the clip offering no protection to a bottle comprising a body and a cap. Indeed, the invention has a totally different objective – the title being "Non-refillable bottle". It is respectfully asserted that the skilled person could not conceive the present invention from Beal. Applicant respectfully submits that amended claims 1 and 10 as well as dependent claims 2 and 8 are not obvious in light of Beal.

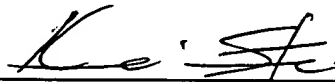
In paragraph 9, claims 1-4, 6-8 and 10 are rejected under 35 USC §103(a) as being unpatentable over Farricielli (Des. 327,431) in view of Beal. It is respectfully submitted that this rejection has been obviated by the above amendments and the arguments which follow.

Faricielli claims an ornamental design for a dispensing container cap and illustrates the cap on top of what is presumably a "dispensing container". The cap and the bottle are not held within a moulded plastic sheath and there is no suggestion that such a means of protection from physical damage should be employed. Beal discloses a bottle having a stopper with a clip over the top (presumably to prevent tampering with the contents). Beal does not suggest the dispensing container plus cap disclosed in Faricielli should be protected by a sheath as claimed in the present invention; the clip of Beal cannot be considered a sheath as claimed in the present invention. For the above reasons, it is respectfully asserted that the present invention is not obvious in light of Faricielli in view of Beal.

In light of the above amendments and remarks, it is respectfully requested that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin J. Stein", written over a horizontal line.

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Fig.1.

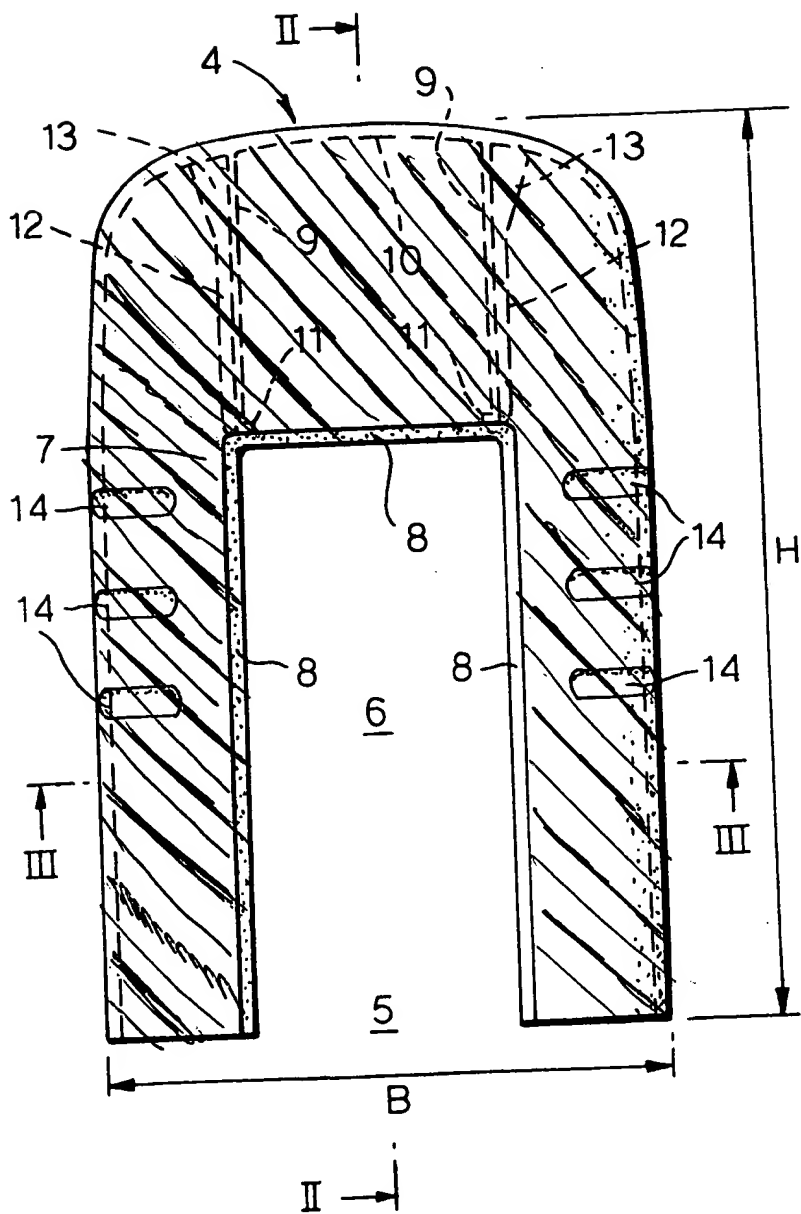


Fig.2.

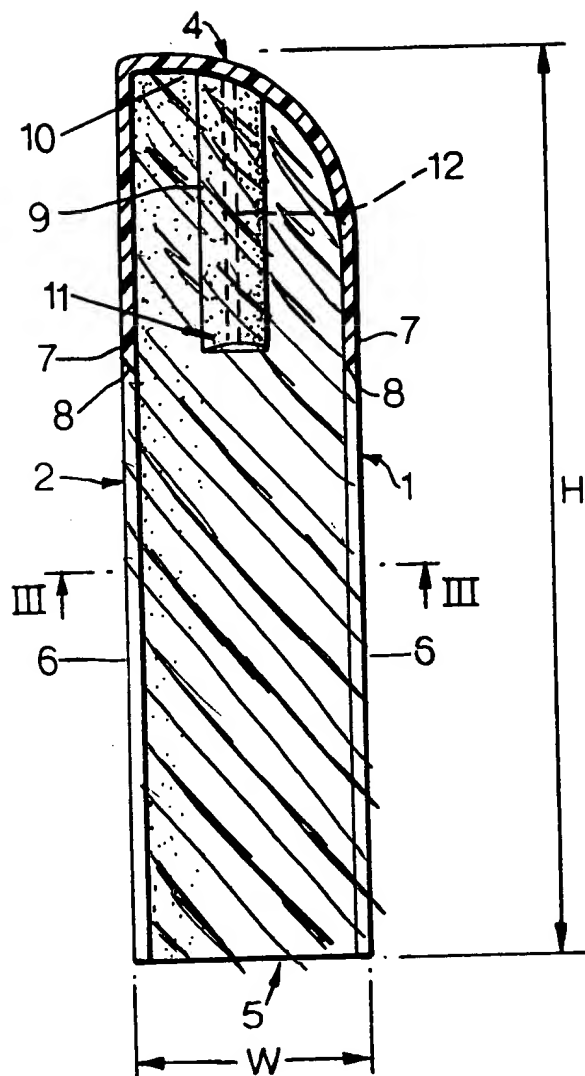
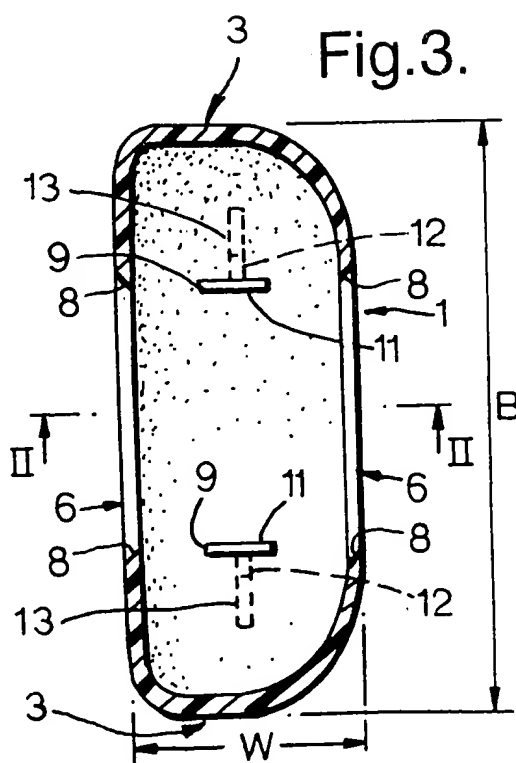


Fig.3.



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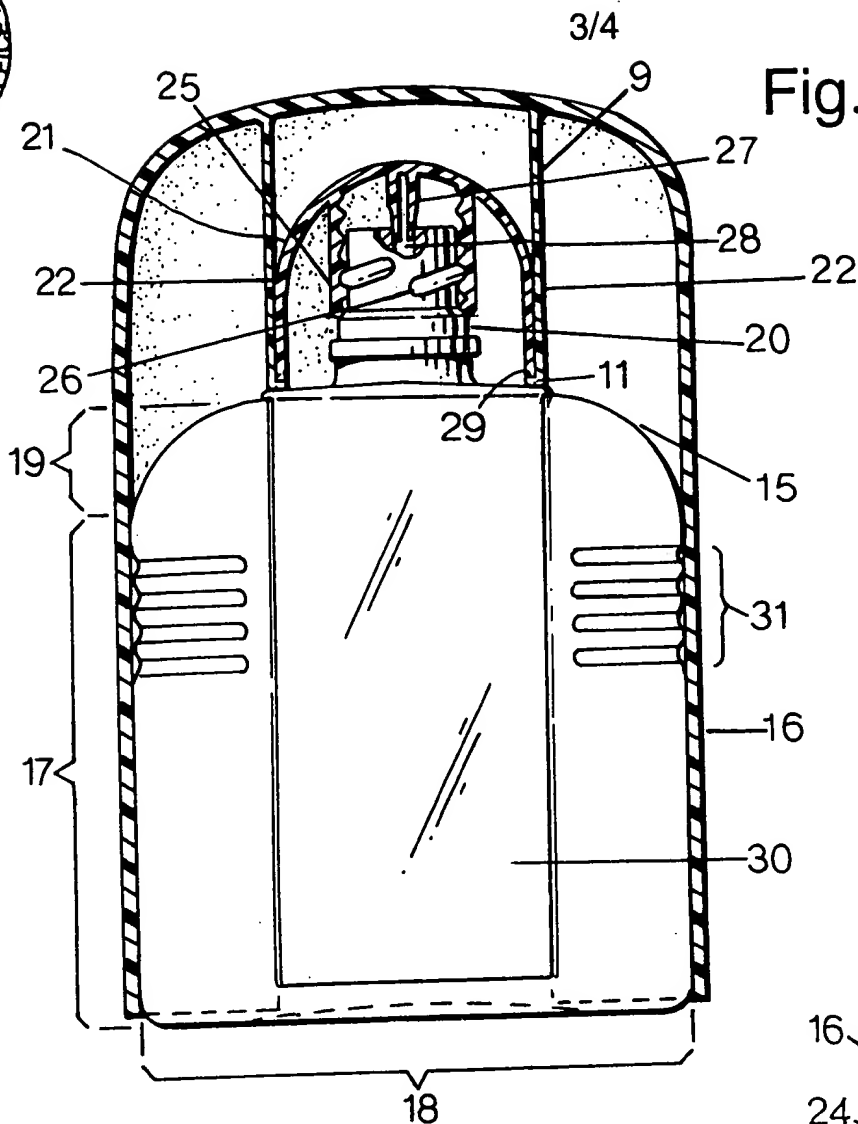


Fig. 4.

Fig. 6.

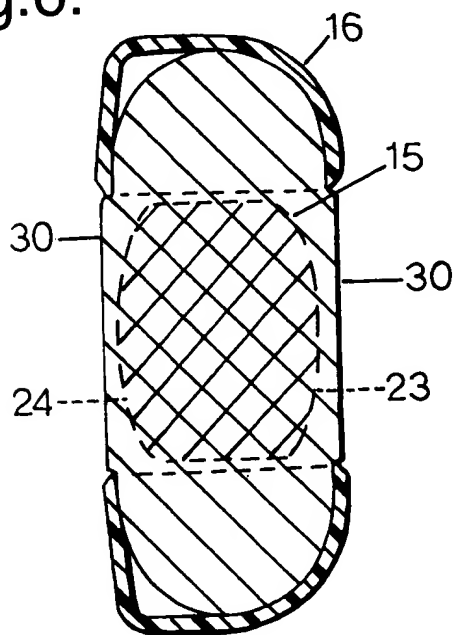


Fig. 5.

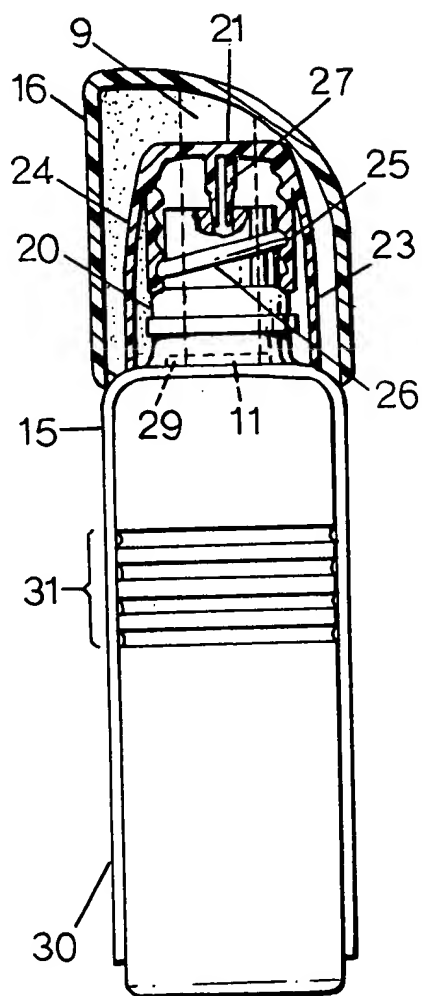


Fig.7.

